

FILED  
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UNITED STATES DISTRICT COURT

MAR 17 2008

for the

Western District of Virginia

JOHN F. CORCORAN, CLERK  
BY: H. McDonald  
DEPUTY CLERK

United States of America

\* Eric Devon Day

v.

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Case No: 7:96CR00011-001 \*

USM No: 33177-037

Date of Previous Judgment: October 15, 1998

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

AMENDED Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

Defendant was sentenced as a career offender and thus is ineligible for a reduction in sentence.

Except as provided above, all provisions of the judgment dated 10/15/1998 shall remain in effect.

IT IS SO ORDERED.

Order Date: 3-17-08

Effective Date: ~~7/3/08~~  
(if different from order date)

  
Jackson Kiser, Senior United States District Judge  
Printed name and title